

**ASSEMBLY BILL**

**No. 2611**

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**Introduced by Assembly Member Butler**

February 24, 2012

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An act to add Chapter 2.97 (commencing with Section 1001.95) to Title 6 of Part 2 of the Penal Code, relating to veterans courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2611, as introduced, Butler. Veterans courts.

Existing law provides for the diversion of specified criminal offenders in alternate sentencing and treatment programs.

This bill would authorize superior courts to develop and implement veterans courts for eligible veterans of the United States military with the objective of, among other things, creation of a dedicated calendar or a locally developed collaborative court-supervised veterans mental health program or system that leads to the placement of as many mentally ill offenders who are veterans of the United States military, including those with post-traumatic stress disorder, traumatic brain injury, military sexual trauma, substance abuse, or any mental health problem stemming from military service, in community treatment as is feasible and consistent with public safety. The bill would provide that county participation is voluntary. The bill would declare the intent of the Legislature that, where there are statutory requirements for certain education or counseling programs to be included in the terms of probation, the components of those counseling terms be required to be incorporated into the treatment programs that are designed to treat the underlying psychological disorders rather than requiring them in lieu of the psychological treatments.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 2.97 (commencing with Section 1001.95)  
is added to Title 6 of Part 2 of the Penal Code, to read:

CHAPTER 2.97. DIVERSION OF VETERANS

1001.95. (a) Superior courts are hereby authorized to develop  
and implement veterans courts. Participation by a county shall be  
voluntary.

(b) For purposes of this section, a veterans court shall have the  
following objectives:

(1) Increase cooperation between the courts, criminal justice,  
veterans, and substance abuse systems.

(2) Creation of a dedicated calendar or a locally developed  
collaborative court-supervised veterans mental health program or  
system that contains the characteristics set out in subdivision (c)  
that will lead to placement of as many mentally ill offenders who  
are veterans of the United States military, including those with  
post-traumatic stress disorder, traumatic brain injury, military  
sexual trauma, substance abuse, or any mental health problem  
stemming from United States military service, in community  
treatment, as is feasible and consistent with public safety.

(3) Improve access to necessary services and support.

(4) Reduce recidivism.

(5) Reduce the involvement of veterans in the criminal justice  
system and time in jail by making mental health service for  
veterans available in the least restrictive environment possible  
while promoting public safety.

(c) For purposes of this section, a veterans court may have the  
following characteristics:

(1) Leadership by a superior court judicial officer assigned by  
the presiding judge.

(2) Enhanced accountability by combining judicial supervision  
with rehabilitation services that are rigorously monitored and  
focused on recovery.

(3) A problem solving focus.

- 1 (4) A team approach to decisionmaking.
- 2 (5) Integration of social and treatment services.
- 3 (6) Judicial supervision of the treatment process, as appropriate.
- 4 (7) Community outreach efforts.
- 5 (8) Direct interaction between defendant and judicial officer.

6 (d) In developing a veterans court, the county and court  
7 stakeholders through a collaborative process may develop a plan  
8 that uses this section as a guideline. It is recommended that at least  
9 one stakeholder should be a criminal justice client who is a veteran  
10 who has lived with the experience of mental illness as described  
11 in paragraph (2) of subdivision (b). The plan should consider  
12 incorporating as many of the following components as feasible:

13 (1) The method by which the veterans court ensures that the  
14 target population of defendants is identified and referred to the  
15 veterans court.

16 (2) The method for assessing defendants who are veterans for  
17 serious mental illness and co-occurring disorders.

18 (3) Eligibility criteria specifying what factors make the  
19 defendant eligible to participate in the veterans court, including  
20 service in the United States military, the amenability of the  
21 defendant to treatment, and the facts of the case, as well as prior  
22 criminal history, United States military service history, and mental  
23 health and substance abuse treatment history.

24 (4) The elements of the treatment and supervision programs.

25 (5) Standards for continuing participation in, and successful  
26 completion of, the veterans court program.

27 (6) The need for all service providers and stakeholders to receive  
28 initial and ongoing training from county departments and  
29 community stakeholders with specialized knowledge about  
30 veterans' treatment and service needs, such as the county health  
31 department, county veterans officers, county drug and alcohol  
32 department, and Veterans Administration partners, and the need  
33 to provide initial and ongoing training for designated staff on the  
34 nature of serious mental illness and on the treatment and supportive  
35 services available in the community.

36 (7) The process to ensure defendants will receive the appropriate  
37 level of treatment services with emphasis on maximizing federally  
38 funded services from the Veterans Administration and the  
39 Department of Veterans Affairs, as well as the county and other  
40 local mental health and substance abuse treatment services to the

1 extent that resources are available for that purpose, as described  
2 in paragraph (5) of subdivision (b) of Section 5600.3 of the Welfare  
3 and Institutions Code.

4 (8) The process for developing or modifying a treatment plan  
5 for each defendant, based on a formal assessment of the defendant's  
6 mental health, United States military service history, and substance  
7 abuse treatment needs. Participation in the veterans court shall  
8 require defendants to complete the recommended treatment plan  
9 and comply with other terms and conditions that optimize the  
10 likelihood that the defendant will complete the program.

11 (9) The process for referring cases to the veterans court.

12 (10) A defendant's voluntary entry into the veterans court, the  
13 right of a defendant to withdraw from the veterans court, and the  
14 process for explaining these rights to the defendant.

15 (e) In developing a veterans program, each veterans court team,  
16 led by a judicial officer, may, to the extent feasible, include, but  
17 not be limited to, a judicial officer to preside over the court,  
18 prosecutor, public defender, county mental health liaison, substance  
19 abuse liaison, county veterans' service officer, probation officer,  
20 and a Veterans Administration social worker to assist the court  
21 with screening veterans court candidates for eligibility and  
22 suitability in Veterans Administration funded programs. The  
23 veterans court team will determine the frequency of ongoing  
24 reviews of the progress of the offender in community treatment in  
25 order to ensure the offender adheres to the treatment plan as  
26 recommended, remains in treatment, and completes treatment.

27 (f) For the purposes of this section, it is the intent of the  
28 Legislature that a veterans court judge use a variety of options for  
29 carrying out the goal to ensure long-term public safety by  
30 maximizing the opportunities for veterans with psychological war  
31 wounds to get timely and appropriate treatment. It is the intent of  
32 the Legislature in enacting this section to augment rather than  
33 replace other sections within this code. The judicial officer has a  
34 variety of tools available to reach these goals and shall exercise  
35 discretion and use all tools available to ensure public safety and  
36 assist defendants to successfully complete appropriate treatment  
37 for the problems underlying their offenses. Where there are  
38 statutory requirements for certain education or counseling programs  
39 to be included in the terms of probation, for example, first  
40 conviction programs for driving under the influence offenders

1 under Section 23152 of the Vehicle Code or domestic violence  
2 offenders under Section 273.5 of the Penal Code, the components  
3 of these offense-specific counseling terms shall be incorporated  
4 into the treatment programs that are designed to treat the underlying  
5 psychological disorders rather than required in lieu of the  
6 psychological treatments. This holistic approach ensures that the  
7 priority underlying offense is treated and that offense-specific  
8 education and counseling aims are met.

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